

MINUTES OF THE CITY OF LAS VEGAS HOUSING AUTHORITY MEETING HELD ON WEDNESDAY JANUARY 17, 2018 AT 5:30 P.M. IN THE CITY COUNCIL CHAMBERS.

MADAM CHAIR: Tonita Gurulé-Girón

COMMISSIONERS: David Ulibarri Jr.
Barbara Casey
Vince Howell
David Romero
Ember Davis Absent

ALSO PRESENT:

Lorraine Ortiz, Executive Director
David Silva, Acting City Attorney

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

Madam Chair Gurulé-Girón asked Commissioner Vince Howell to offer the moment of silence. Commissioner Howell offered a moment of silence saying please keep in mind all of the people that were involved in the incident we had these last couple of days (Accident on 1-25). Pray for their families, pray for their friends, and please help them recover from this incident.

Madam Chair Gurulé-Girón stated she would also like to thank our Chief, Chris Lopez, and Pam Sandoval who really stepped up to the plate by getting lodging for the remaining individuals who were injured and who were stranded here.

APPROVAL OF AGENDA

Commissioner Barbara Casey made a motion to approve the agenda as is presented. Commissioner David Romero seconded the motion.

Madam Chair Gurulé-Girón asked for a roll call. Roll call was taken and reflected the following.

Commissioner David Romero	Yes
Commissioner Vince Howell	Yes
Commissioner David Ulibarri Jr.	Yes
Commissioner Barbara Casey	Yes
Commissioner Ember Davis	Absent

Barbara Padilla re-read the motion and advised the motion carried.

APPROVAL OF MINUTES

Commissioner David Ulibarri Jr. made a motion to approve the minutes of December 20, 2017. Commissioner Barbara Casey and Commissioner David Romero seconded the motion.

Madam Chair Gurulé-Girón asked for a roll call. Roll call was taken and reflected the following.

Commissioner David Romero	Yes
Commissioner Barbara Casey	Yes
Commissioner Vince Howell	Yes
Commissioner David Ulibarri Jr.	Yes
Commissioner Ember Davis	Absent

Barbara Padilla re-read the motion and advised the motion carried.

PUBLIC INPUT

None at this time.

PRESENTATION - FINANCE REPORT

Natasha Martinez-Padilla, Financial Specialist presented the HA's Revenue and Expenditure report through December 31, 2017. Half of the year has elapsed. Mrs. Martinez-Padilla stated Dwelling Rent is a little low. The HA has had quite a bit of vacancies and families coming in are at a lower income threshold. The HA has a requirement that 40% of intake have to be Extremely Low Income (ELI). That is 30% under the Low Income threshold. She stated the HA is abiding by that rule, but it does also affect the dwelling rent amounts. The HA's Operating Subsidy is yet to be released. Mrs. Martinez-Padilla stated she did attempt to draw it down, however, a message popped up referencing the Compliance Review. She stated it did not tell her anything else, she can just see what the system is telling her. Mrs. Martinez-Padilla stated she did speak to the HA's HUD Analyst, and was informed that it was all in the report. However, Mrs. Martinez-Padilla stated she has not seen the report herself, so she does not know where, exactly, it affects the HA's Operating Subsidy and the draw downs. This is also the reason she cannot draw down the HA's Capital Fund Transfer. As far as Expenses, the HA is staying below budget, trying to stay conscientious of the cash in the bank. She stated the HA does have monies promised, and has received obligation letters for that money. As far as when it will be released, she referred back to the message that popped up on the system regarding the Compliance Review.

DIRECTORS REPORT

Director Lorraine Ortiz stated the HA will be taking Resolution No. 18-02, Non-Smoking Policy, and Resolution No. 18-03, adding the Non-Smoking Policy to the Tenant Lease Agreement. Director Ortiz stated the Maintenance crew is continually working on unit turnarounds, from move-out inspection to move-in inspection within a short period of time. Regarding the building and roofs, the general contractor is in the process of working with Contractors. She stated that the HR Risk Office has advised that the work will start any day now. There are 52 units they will be working on. The LVHA fleet is currently being worked on to repair dents. Under Housing Management, Director Ortiz stated, the Housing Managers are continually busy with the day to day operations of the HA, including new admissions, annual lease renewals, annual inspections of units, and lease enforcement. The Waiting List Manager is working closely with Maintenance on the unit turnarounds and is also taking applications. Director Ortiz wanted to reiterate that the HA is still taking applications and is soliciting for 4 and 5 bedroom applicants. She stated she asked Lee Einer to put it on the City's website and Facebook page, but the HA has still not had any families apply for the 5 bedroom unit. Under staff training, Director Ortiz stated that staff will be attending the monthly safety training provided by the city.

On the Compliance Monitoring Review, Director Ortiz stated to Commission that she had placed two documents on their desk. One being the Lead the Way Training from HUD, which she understands one of the Commissioners has already taken. She stated she is not sure if anyone else has taken it. It was one of the HA's findings from the Compliance Review that all of the Governing body is to take the Lead the Way Training. She cautioned the Commissioners stating she had taken the training herself and spoke to the Council member who has also taken the training and stated it is somewhat lengthy, so please give yourself at least 6 hours to get through that training. Director Ortiz stated it is imperative that the Commission take that Lead the Way Training.

Madam Chair Gurulé-Girón asked Director Ortiz if this was a finding on the Compliance Review. Director Ortiz stated, it was the first finding. Madam Chair Gurulé-Girón stated she is concerned because she has been sitting on the council, and now as the Mayor, and as a councilor they were never informed that they had to take any training. She asked who is the councilor that did the training, Councilor Howell? Commissioner Barbara Casey stated it was her that did the training. Madam Chair Gurulé-Girón stated the rest of them had never ever been encouraged to take it by previous administration, and they were pretty much unaware until recently that they had to do this. Madam Chair Gurulé-Girón stated what she thinks they have to do is look at the fiscal impact to the budget, but if it's a finding, they have to correct that finding. She stated she would sit down with Ann Marie and find out what the cost is, what they are going to have to pay. Director Ortiz stated that there is actually no cost. You can log in on your own, and take it on your own. Madam Chair Gurulé-Girón stated yes, we have all that information. Director Ortiz stated that information was all placed on their desks in front of the Commission. She stated it is a very simple program. Madam Chair Gurulé-Girón asked, when did this come in to place. Director Ortiz began to answer and Madam Chair Gurulé-Girón asked, Natasha, do you know? Mrs. Martinez-Padilla addressed the Commission stating, this was the training that was offered under Mandy Griego, from the HUD field office. Madam Chair Gurulé-Girón stated, they know that, the question is, what year was this a mandate? Natasha replied, it was not mandated, it was just offered. Madam Chair Gurulé-Girón stated, if it is not mandated, then why is it a finding? Mrs. Martinez-Padilla stated she has not seen the findings, so she cannot answer that question. Again, Madam Chair Gurulé-Girón asked, is it an actual finding? Director Ortiz stated, it is an actual finding and is not mandated. Madam Chair Gurulé-Girón stated then it should not fall under a finding, that doesn't add up. Director Ortiz stated what the finding is asking for, as the corrective action, is for all governing body to take the Lead the Way Training. Madam Chair Gurulé-Girón told Director Ortiz what she wants her to do, in addition to this, is go back, get the regulation, find out exactly when it was required, under what statute, what law, and come back to the council for a follow up. She stated it is unfair to the Housing Department that they are hit with a finding, but all of a sudden it's not mandated, so it shouldn't be written up as a finding. She also stated, there is no conclusive evidence that it is an actual statute, it is not mandated. She told Director Ortiz, to follow up on that and when she requests this from Mandy, to make certain she sends it to her in writing. Director Ortiz stated what she does see as far as the first finding is there are regulatory citations where it is cited, but she will go back to her (Mandy Griego) and talk to her about it. Madam Chair Gurulé-Girón stated yes, she wants to see that actual policy, because in her eight years as a councilor and now two years as a Mayor, she has never heard that, and the council was never asked to go through that process, and if they were instructed, she personally wasn't in all these years. They have never been hit with a finding of this nature, so why is it that they are being hit with that finding now.

Commissioner Howell stated he thinks the previous Housing Director, Carmela Martinez, did a presentation. Madam Chair Gurulé-Girón stated, yes she did. Commissioner Howell said it was not clear to him that it was mandatory to take the training, but he knows that Carmela did do a presentation to them. Madam Chair Gurulé-Girón stated yes, but there is nothing stated in that presentation that if they did not do the training that the Housing Department was going to be hit with a finding, and she is very concerned about that. Madam Chair Gurulé-Girón stated to Barbara Padilla, she wants this on the record, everything verbatim.

Commissioner Barbara Casey stated she believes although it is not mandated, they do have the citation listed on the finding, but believes the problem arose because whoever did the audit does not believe that this commission is well informed enough to be able to have a good discussion on some of the issues that come up. Commissioner Casey said from the Compliance Report, it states that there is inadequate Board oversight and inadequate monitoring of the program. She stated that in order to do that, they need to know what the rules are and what is expected. Madam Chair Gurulé-Girón stated to Commissioner Casey, that is one thing, but you cannot go ahead and write up an actual Housing Department for something that is not mandated. She stated, one thing is to encourage the Board to take that, which she stated again that they never have been. All these years she has sat in the council and as a Mayor, she stated they have never been encouraged by Mandy (Griego). And now, this is surfaced by Mandy, not to mention all the negative comments that she has attacked this administration on, which is totally unprofessional and unacceptable, and that should be on the

record as well. Madam Chair Gurulé-Girón stated she is very concerned about the manner in which HUD is regulating this Housing Department at this point in time. Are they targeting this Housing Department because maybe they don't like the players that are currently running the office. If that is the case, that is unprofessional and is unacceptable. Madam Chair Gurulé-Girón instructed Director Ortiz to have Mandy provide to the Commission, an actual policy, where it's mandated, and why in the past 8 to 10 years that she has sat on the council and as the Mayor, they were never written up by any such thing. Director Ortiz responded, yes ma'am, I will. Madam Chair Gurulé-Girón then stated, and you can take that to Mandy too Natasha, ok. Thank you very much.

Director Ortiz stated she knows the Commission has already received a copy of the Compliance Review Findings but still provided another copy on their desk. She stated, we are diligently working on the Compliance Review Findings and are compiling the requested documents. Director Ortiz showed the Commission a binder stating this is a start of what is being done. Director Ortiz stated she is working closely with the Finance Department to get the policies needed. Director Ortiz stated this council has hired her to make sure that these findings are corrected, even though they happened before she was hired. She stated she is going to push forward, and said that every one of those Findings will be answered.

Commissioner Vince Howell asked if the HA will meet the deadline of February 28th. Director Ortiz stated, yes sir. She stated, most of it will meet the deadline, if we do need an extension, they will be requesting one. Madam Chair Gurulé-Girón stated to Director Ortiz, to be diligent about addressing it prior to or at the deadline. Director Ortiz said, most definitely Ma'am.

Director Ortiz stated as part of the Compliance Review, we continue to scan and submit all documents that Ms. Mandy has requested. On January 2, 2018, they emailed the GL and the payroll backup for the month of November.

Commissioner Casey commented on the Lead the Way Training saying the training does take quite a while to complete. Madam Chair Gurulé-Girón asked how long does it take, it is 6 hours, or 8 hours, and is there a time limit. Commissioner Casey said no, there is not a time limit. You can start it one day and three days later go on to the next part. You can do it at your own pace. She however decided to do it all at one time to get it done. Commissioner Casey stated there is a lot of information in there. They ask you questions about each module, and if you don't get the questions right you can go back and review and then answer the questions again. Commissioner Casey stated that the one thing she didn't like about the training is that it uses a lot of acronyms. She stated however it was very informative and there was a lot of information to digest but it is a very good training. Madam Chair Gurulé-Girón stated she is not arguing the training, she said her concern and everyone here's concern should be that the Housing Department is being penalized for something that is not mandated as an actual finding. She said so how do you correct an actual finding that is not mandated by law. Commissioner Casey stated that she thought it actually was mandated because Carmela Martinez (former Housing Director) had told them before and strongly encouraged them to take the training. She also stated that Lorraine (Ortiz) has also given the commission the information several times, so she thought it was mandatory. Madam Chair Gurulé-Girón stated no, it is not a mandate. Commissioner Casey stated that the corrective action does say, all Board members will complete the Lead the Way Training. Madam Chair Gurulé-Girón said that is why she is asking for the actual policy. She stated they cannot hold you accountable or write you up on a finding if it is not a mandate or an actual policy. If it's not there, then there is no way they can mandate that on the council. She stated, not that she is against it, but in all the years, 10 years she has been sitting there, they were never ever informed of this, that they would be written up if something like this ever happened. Director Ortiz stated yes ma'am, I will look into it first thing tomorrow morning.

BUSINESS ITEM #1

Approval/Disapproval of Resolution No. 18-02 to adopt the City of Las Vegas Housing Authority's Non-Smoking Policy for Residents Living in Public Housing.

Natasha Martinez-Padilla, Finance Specialist presented the Non-Smoking Policy by reading the resolution for the record as follows:

CITY OF LAS VEGAS HOUSING AUTHORITY
RESOLUTION No. 18-02

A RESOLUTION TO ADOPT THE CITY OF LAS VEGAS HOUSING AUTHORITY'S
NON-SMOKING POLICY FOR RESIDENTS LIVING IN PUBLIC HOUSING

WHEREAS, the Las Vegas Housing Authority (LVHA) is required to adhere to the updates and notices published by the US Department of Housing and Urban Development; and

WHEREAS, Notice 2017-03 issued February 15, 2017 provides guidance to Public Housing Agencies on Instituting and Enforcing Smoke-Free Public Housing Policies; and

WHEREAS, Implementation of the policy will commence on May 31, 2018; and

THEREFORE, IT IS RESOLVED by the City of Las Vegas Housing Authority Board, adopts the Las Vegas Housing Authority's Non-Smoking Policy for Residents Living in Public Housing, attached hereto and incorporated by reference hereby.

Passed, Approved and Adopted this _____ day of _____ 2018

MAYOR TONITA GURULE-GIRON

ATTEST:

CASANDRA FRESQUEZ, CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY ONLY

ACTING CITY ATTORNEY

Mrs. Martinez-Padilla stated the policy itself will be a policy attached to the lease. She explained that the HA began working on this policy in 2017. Mrs. Martinez-Padilla then read the CLVHA Non-Smoking Policy for Residents Living in Public Housing as follows:

1. Effective May 31, 2108, the City of Las Vegas Housing Authority prohibits the use of burning tobacco products in all public housing living units and interior areas, as well as in outdoor areas within 25 feet from public housing and administrative office buildings.
2. Tenant shall be obligated to assure that Tenant, any member of the household, a guest, or another person under Tenant's control, shall not engage in any smoking of prohibited tobacco products, as defined by 24 CFR 965.653(a), in restricted areas or in other outdoor areas that the PHA has designated as smoke-free.

3. The use of Electronic Nicotine Delivery Systems ("E-cigs") is permitted within the unit and campus-wide.
4. Tenant will be issued three (3) Warning Notices prior to proceeding with eviction according to the Residential Lease Agreement, See XIV(a)(2).

TENANT CERTIFICATION

I have read and understand the above smoking policy and I agree to comply fully with the provisions. I understand that failure to comply with this policy may constitute cause for termination of my lease with the City of Las Vegas Housing Authority.

Resident Name (please print): _____

Resident Unit Address: _____

Resident Signature: _____ Date: _____

Commissioner Barbara Casey had a question on number 3 of the policy, the use of "E-cigs" being permitted within the unit and campus wide. She stated she is wondering why this is permitted when "E-cigs" have been shown to be very dangerous, and have seriously burned people who were smoking them. Commissioner Casey stated she had requested a copy of the policy defining tobacco products, citing 24 CFR 965.653(a). Natasha Martinez-Padilla stated she has the policy for Commissioner Casey. Mrs. Martinez-Padilla stated, prohibited tobacco products are defined as:

Items that involve the ignition and burning of tobacco leaves, such as (but not limited to) cigarettes, cigars, pipes, and water pipes, also known as hookahs. Water pipes or hookahs are smoking devices that use coal or charcoal to heat tobacco and then draw the smoke through the water hose to the user.

Commissioner Casey stated so then the "E-cigs" are not included in that definition because they are not burning tobacco. Mrs. Martinez-Padilla stated, this is the policy that came from legal. The HA had a more stringent policy that was submitted to legal, but this the one they thought was less stringent. Mrs. Martinez-Padilla stated that Director Ortiz could further explain that, but this is what is being presented based off of legal's recommendation. She further stated that in the notice it does give the HA the discretion to be more strict and not allow Electronic Nicotine Devices (END's), but it does say there is currently not enough research on the dangers, so it is not in the notice right now. A year from now when they do have more research, they may come back with a notice having the HA's ban END's.

Commissioner Casey asked Director Lorraine Ortiz if she could ask legal counsel if allowing the use of END's, and being permitted, if someone is injured while using them, will the City be liable for allowing the use of them in the Housing units.

Madam Chair Gurulé-Girón asked Director Ortiz who she normally speaks with when she gets legal advice. Director Ortiz stated right now it's either Danelle (Smith) or Mr. (David) Silva. Madam Chair Gurulé-Girón asked Mr. Silva the question about liability. Attorney, David Silva, responded he doesn't have the exact answer right now. He did review the policy and it seems to be leaning more towards the least restrictive policy for smoking devices. He does not see where it is overly restrictive to exclude "E-cigs". Madam Chair Gurulé-Girón asked Mr. Silva to follow up with the City Manager and Housing Director.

Commissioner Howell asked Director Ortiz, what about medical marijuana. The question was referred to Natasha Martinez-Padilla. She stated that the HA is a Federally Funded Program, therefore the Federal Government does not recognize medical marijuana cards, therefore the HA does not allow the use of medical

marijuana in Housing. Commissioner Howell asked, do any of the residents have medical marijuana cards, and what if they do. Mrs. Martinez-Padilla stated they should not be in Public Housing, and this would be part of the drug enforcement policy. It is still considered illegal in the units. Commissioner Howell asked, even medical, not recreational. Mrs. Martinez-Padilla stated, yes.

Madam Chair Gurulé-Girón asked what the pleasure of the commission is. Commissioner Howell asked if they should wait for the clarification of the "E-cigs" policy, or are we comfortable with this. Madam Chair Gurulé-Girón stated she feels they need to make a decision on it. David Silva stated again the policy is not overly restrictive to prohibit the use of "E-cigs". Madam Chair Gurulé-Girón asked if there is a deadline on this. Mrs. Martinez-Padilla stated the deadline is in May, so this item can be brought back to commission next month if they want a more restrictive policy.

Commissioner Howell stated that he thinks the question was, is the city liable if injury happens to the person using the "E-cigs". David Silva stated off hand he does not see the liability to the City.

Commissioner Barbara Casey wanted to make an amendment to the Non-Smoking policy, #3, The use of Electronic Nicotine Delivery Systems ("E-cigs") is **NOT** permitted within the unit and campus-wide. Madam Chair Gurulé-Girón asked, how can you state that it is not permitted, if it is something that is not going to pose a liability. Madam Chair Gurulé-Girón asked Mrs. Martinez-Padilla for her thoughts. Mrs. Martinez-Padilla stated she believes that once the research is in on "E-cigs", if the HA doesn't enforce it and have the Electronic Nicotine Device's allowed right now, she believes that in a year the HA may have to come back and amend the policy to add, IS NOT allowed. Madam Chair Gurulé-Girón stated she feels they need to hold off on this item until there is clarification. She stated, we can't just make amendments at this point in time if we don't know what the liability is with counsel. Again, Attorney David Silva stated he did not find it overly restrictive to which Madam Chair Gurulé-Girón stated, exactly. She then stated why don't we go ahead and remove this item from the Agenda and bring it back.

Commissioner Barbara Casey stated she believes that the appropriate parliamentary procedure would be to table it to a definite time, which would be the next Housing meeting. Madam Chair Gurulé-Girón stated they would do that and table it till the next meeting.

Commissioner Vince Howell said instead of using the word, not, why can't they say is, permitted outside of the building, within the 25 feet. He said since they are not being permitted to smoke within the building. Madam Chair Gurulé-Girón stated, let them figure out what they need to do, what the recommendations are and go from there.

Commissioner Barbara Casey made a motion to table this item till the next meeting. Commissioner David Ulibarri Jr. seconded the motion.

Madam Chair Gurulé-Girón asked for a roll call. Roll call was taken and reflected the following.

Commissioner David Ulibarri Jr.	Yes
Commissioner Vince Howell	Yes
Commissioner Barbara Casey	Yes
Commissioner David Romero	Yes
Commissioner Ember Davis	Absent

Barbara Padilla re-read the motion and advised the motion carried to table this item.

BUSINESS ITEM #2

Approval/Disapproval of Resolution No. 18-03 a Resolution to add the Non-Smoking Policy in the City of Las Vegas Housing Authority's Lease Agreement.

Madam Chair Gurulé-Girón asked what is the pleasure of the commission. Commissioner Barbara Casey made a motion to table Resolution No. 18-03 till the next meeting also. Commissioner David Romero seconded the motion.

Madam Chair Gurulé-Girón asked for a roll call. Roll call was taken and reflected the following.

Commissioner Barbara Casey	Yes
Commissioner David Romero	Yes
Commissioner Vince Howell	Yes
Commissioner David Ulibarri Jr.	Yes
Commissioner Ember Davis	Absent

Barbara Padilla re-read the motion and advised the motion carried to table this item.

COMMISSIONERS REPORT

Commissioner Barbara Casey stated she was going to report on the Lead the Way Training, and she has already done so.

Commissioner Howell stated as he had mentioned to Director Ortiz, he would like to meet with her, hopefully tomorrow to discuss some issues. Director Ortiz stated she would be there tomorrow, at his pleasure.

EXECUTIVE SESSION/CLOSED SESSION

No need for Executive Session

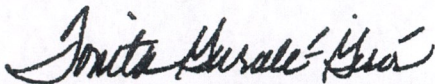
ADJOURN

Commissioner Barbara Casey made a motion to adjourn the meeting. Commissioner David Ulibarri Jr. seconded the motion.

Madam Chair Gurulé-Girón asked for a roll call. Roll call was taken and reflected the following.

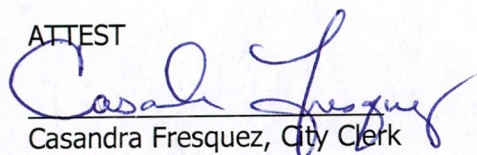
Commissioner David Romero	Yes
Commissioner Vince Howell	Yes
Commissioner David Ulibarri Jr.	Yes
Commissioner Barbara Casey	Yes
Commissioner Ember Davis	Absent

Barbara Padilla re-read the motion and advised the motion carried.



Madam Chair Tonita Gurulé-Girón

ATTEST



Casandra Fresquez, City Clerk